

DURHAM CITY COUNCIL WORK SESSION
Thursday, January 23, 2014 – 1:00 p.m.
Committee Room – 2nd Floor – 101 City Hall Plaza

Present: Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Excused Absence: Mayor William V. “Bill” Bell.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Pro Tempore Cole-McFadden.

[Excuse Mayor Bell from January 23, 2014 Work Session]

Motion by Council Member Schewel seconded by Council Member Catotti to excuse Mayor Bell from the January 23rd work session.

The motion was approved by a vote of 6/0 at 1:02 p.m.

Mayor Pro Tempore Cole-McFadden asked if there were any announcements from council members.

Council Member Davis stated at the January 9th work session, the council members discussed the \$321,661.43 cost of the 2013 municipal and general elections. He suggested that at future work sessions, the council might explore options for electoral processes that could reduce the cost to taxpayers. Council Member Davis said a pool on concepts be explored, including practices used in other North Carolina municipalities, could be created for discussion and perhaps this pool of concepts could be shared with the City Attorney’s Office for review and the listing of positive and negative aspects of each alternative. Council Member Davis said at a certain point, perhaps in February, the concepts that have not been eliminated could be placed on the council agenda for a public hearing and after the public hearing, another work session could be utilized to allow council members to offer dialogue on the matter. Council Member Davis said any potential decision on the municipal election format should be approved before July of 2014, which would be a full year in advance of opening of the 2015 filing period.

Mayor Pro Tempore Cole-McFadden noted that each council member has been provided a copy of Council Member Davis’ proposal and asked they study it and also asked the City Manager to place this matter on a future work session agenda for discussion by the Council. She said at that time the City Attorney would have had an opportunity to review and research other election models.

Council Member Catotti suggested that the City Attorney review models that have the same at-large system as the City of Durham whereby everyone is voting city-wide. She said her suspicions are that the cost savings will not be there due to the fact everyone is voting city-wide.

January 23, 2014

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield introduced the new Human Resources Director Regina Youngblood. He said she comes to the City of Durham from the Washington, DC government/area.

In response to the Mayor's recent inquiry pertaining to City policy on the placement and removal of memorials, City Manager Bonfield provided a memo addressing the Mayor's question.

City Attorney Baker requested a closed session at the end of the meeting – Washington vs. City of Durham; DeBaun vs. City of Durham; and Evans vs. City of Durham, attorney-client consultation, pursuant to GS 143-318.11(a)(3).

The City Attorney's items were accepted.

There were no items from the City Clerk.

Council Member Schewel thanked Deputy City Manager Keith Chadwell and the Housing Authority for the progress made on Goley Pointe housing development.

Council Member Moffitt mentioned a tour he recently took of the Little River Reservoir facilities and thanked the Water Management staff for providing the tour.

Council Member Brown requested a moment of silence in memory of former County Commissioner Becky Heron who passed on today.

After Mayor Pro Tempore Cole-McFadden read each item on the printed agenda, the following items were pulled for comments and/or discussion:

Subject: Sean McCarthy

To receive comments from Sean McCarthy regarding motorists with loud mufflers and super bass stereo systems.

Sean McCarthy addressed the council requesting them to order the police to crack down on motorists with loud mufflers and super bass stereo systems. He said the owners of "boom cars" have spent big bucks to install "super bass" sound systems in their cars. This equipment he said is derived from military weapons technology. This is not about loud music, this is weapons-grade noise. He said this "boom" does not kill, but it makes life difficult, even at low decibels. Mr. McCarthy said the current Durham County laws on loud music are outdated because this technology wasn't in civilian hands when those laws were written. He said other cities including New York, Chicago and Bloomington, IN have zero tolerance for boom cars and know it as a gateway to crime. By passively condoning the use of this booming weaponry, he said we as Durhamites are opening our city up for more gang warfare, drug dealers and violence.

January 23, 2014

Regarding the cities mentioned by Mr. McCarthy, Council Member Brown asked what is the model legislation they used or statutes.

Sean McCarthy said he would research and provide the requested information.

Police Captain Winslow Forbes said the only tool they can enforce at the present is the city's noise ordinance.

City Attorney Baker commented on the city's noise ordinance. He said the problem is this is mobile noise moving and the police officers need to be present to catch the person which can be a challenge. City Attorney Baker said he would be happy to take a look at the cities that Mr. McCarthy identified to see if there is something specific which would allow flexibility.

Council Member Moffitt asked Captain Forbes if he had a sense of how pervasive a problem this is.

Captain Forbes said this is the first time that he has been made aware of this particular matter.

Council Member Moffitt asked Mr. McCarthy if this was a problem he witnessed or if he was being proactive.

Mr. McCarthy replied both. He said I have witnessed it and called 911, but of course when the police arrive the vehicle has left the area.

The council thanked Mr. McCarthy for his comments.

Subject: Update on Activities of the Durham Convention and Visitors Bureau

To receive a presentation from the Durham Convention and Visitors Bureau.

Executive Director Shelly Green made a power point presentation on DCVB's activities.

After the presentation, discussion/comments were held on DCVB's budget/marketing in comparison with other cities in the area; allocating more of the occupancy tax for marketing; more DCVB marketing of North Carolina Museum of Life and Science; having more larger signature events in downtown Durham and sponsorship dollars needed; current downtown office location of DCVB; model cities with convention& visitors bureaus; and DCVB promoting the I-40 opening of American Tobacco Trail.

The council thanked Ms. Green for the report.

Subject: Street and Infrastructure Acceptances

January 23, 2014

To accept the streets and associated infrastructure for maintenance by the City of Durham.

The staff report indicated Page Road Business Park and Brier Village – Phases 1 and 3 are located within areas that have been developed and annexed into the City. Per the extension agreements executed with the developers, street rights of way and utility easements have been dedicated as public with the understanding that once the streets were built to City of Durham standards and as defined by the agreements, these streets and associated infrastructure (water lines and storm drainage) would be accepted for maintenance by the City. The sanitary sewer systems for of these developments are in the County of Durham maintenance area.

Crestfield is a subdivision that has been previously designated as a failed development. Final street and infrastructure construction has been completed. Per the extension agreements executed with the developer, street rights of way and utility easements have been dedicated as public with the understanding that once the streets were built to City of Durham standards and as defined by the agreements, these streets and associated infrastructure (water lines, sewer lines, and storm drainage) would be accepted for maintenance by the City.

Robert Joyner, of the Public Works Department, reported on how the previously designated failed development Crestfield was resolved and noted that zero public funds were expended in the resolution of this.

Subject: Amendment to the Substance Abuse and Mental Health Services Administration Grant Project Ordinance #14534

To authorize the City Manager to accept the SAMHSA grant as a sub-recipient through Alliance Behavioral Healthcare by adopting the amended FY 13-14 Grant Project Ordinance in the amount of \$10,000; and

To adopt the City of Durham Employment and Training Grant Project Ordinance superseding Grant Project Ordinance³ #14534.

The staff report indicated that this item amends the City of Durham Employment and Training 2013 – 2014 Grant Project Ordinance for Substance Abuse and Mental Health Services Administration (SAMHSA) Grant # 14534. Based upon notification from Alliance Behavioral Healthcare on September 19, 2013, that \$75,000.00 of funding from the aforementioned Grant Project Ordinance would not be available to honor two previously submitted contracts, the amendment reflects a decrease of \$75,000.00 in funding from Alliance Behavioral Healthcare for the BECOMING (Building Every Chance of Making It Now and Grown Up) employment program. This item will decrease the City of Durham Employment and Training 2013-2014 Grant Project Ordinance by \$75,000.00 from \$85,000.00 to \$10,000.00.

OEWD Director Kevin Dick provided background information stating when this grant was received Durham Center was the recipient and Durham Center has now evolved into the Alliance Behavioral Healthcare - the grant administration was transferred to Alliance recognizing them as

January 23, 2014

the grant recipient from SAMHSA. He said Alliance informed them that Durham County made them aware that any carryover funding that was available after September 30th would no longer be available and the city was informed of this on September 19, 2013. Mr. Dick also explained the reason for the County's involvement. Also, he said with approval of this item a shorter duration of the services can be funded and they will bring forth a recommendation to council that ends the contract on April 30, 2014, rather than the originally planned contract end date of September 30, 2014. The department is currently exploring options to sustain the employment program scope of work to focus on youth with substance abuse and mental health challenges through WIA funding.

Subject: Recommendation for Modification to Personnel Ordinance 42-7 Annual Leave and 42-8 Sick Leave of City Code

To adopt an Ordinance Amending City Code Sections 42-7 and 42-8 to adjust vacation and sick leave accrual rate for employees who work 40 hours per week.

The staff reported indicated that the proposed ordinance modifies vacation and sick leave accrual for employees who are required to work various hours over a work period to accomplish the mission of the City. These changes ensure that all employees earn vacation and sick leave hours according to their assigned work weeks. It also codifies leave accrual rates for sworn firefighters and police officers, which had not been included as a separate category in the last ordinance amendment in 2006. If adopted, these modifications will be implemented for the pay period beginning January 25, 2014.

Ruby Hargrove-Monds, of the Human Resources Department, commented on why some city employees work 37.5 hours per week and others work 40 hours per week.

City Manager Bonfield stated this is a long standing history not only in Durham but in other cities in North Carolina and across the country.

It was noted that employees that are working 40 hours per week will be getting more vacation accrual time.

Deputy City Manager Wanda Page briefed the council on the work schedule for firefighters.

Subject: Main Street Bridge Replacement – Water Line Utility Agreement with North Carolina Department of Transportation

To authorize the City Manager to execute a Utility Relocation Agreement with NCDOT for the Bridge Replacement over Campus Drive project (B-3638) to assign a cost share of \$308,549.56 to the City and \$237,851.66 to NCDOT for work associated with the relocation of the City's utility lines, water line abandonment and paving.

January 23, 2014

The staff report indicated that the North Carolina Department of Transportation (NCDOT) prepared and adopted plans to replace Bridge #318 over Campus Drive on US 70 Business (West Main Street) under Project B-3638. Existing City waterlines that were attached to the bridge were relocated as a part of this project. The City and NCDOT have agreed in a Municipal Agreement to evenly split the costs associated with relocating the attached utility lines. The City paid the contractor for the full amount of the work and NCDOT is responsible for reimbursing the City for half the expense.

Council Member Catotti raised questions regarding the math on the city cost share and NCDOT cost share pertaining to milling two northern lanes of Main Street and replacing the traffic loops.

For clarification, the administration will provide additional information prior to the February 3, 2014.

Subject: Ground Lease Agreement between CPGPI Regency Erwin and the City of Durham

To authorize the City Manager to execute a Ground Lease Agreement with CPGPI Regency Erwin, LLC for a surface parking lot on Ninth Street pursuant to the terms of the lease agreement that includes an initial term of 5 years at a monthly base rent rate of \$6,875.00; and

To adopt an Ordinance to Set Fees for Parking in the Ninth Street Lot.

Note: At the request of Council Member Moffitt, this item is being referred back to the administration.

Subject: Zoning Map Change – Ellis Road Residential (Z1300026)

To conduct a public hearing to receive comments on the zoning map change for Ellis Road Residential;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300026 out of Residential Suburban – 20 (RS-20) and placing same in and establishing same as Planned Development Residential 7.341 (PDR 7.341).

Regarding the development plan, City/County Planning Director Steve Medlin addressed questions regarding access points.

Subject: Zoning Map Change – Croasdaile Commons (Z1300024)

To conduct a public hearing to receive comments on the zoning map change for Croasdaile Commons (Z1300024);

January 23, 2014

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300024 out of Commercial Center (CC) and placing and establishing same as Commercial General with a development plan (CG (D)).

City/County Planning Director Steve Medlin provided background information on this case and noted the developer recognizes that Duke might want to convert some of the clinics to office use and the CC district has a cap on the maximum amount of office use and said this request would allow them to remove that cap so they can convert over that percentage for additional office. He noted they are not proposing any physical changes to the site.

Settling the Agenda for February 3, 2014 City Council Meeting

City Manager Bonfield announced the items for the February 3, 2014 City Council Meeting: Consent Items 1 thru 6; 8 & 9; Public Hearings Items 11 thru 16 & Item #7 is being referred back to the administration.

Motion by Council Member Catotti seconded by Council Member Moffitt to settle the agenda for the February 3, 2014 city council meeting as stated by City Manager Bonfield.

The motion was approved by a vote of 6/0 at 2:28 p.m.

Closed Session – 2:29 p.m.

Motion by Council Member Catotti seconded by Council Member Moffitt go into closed session for attorney-client consultation, pursuant to GS 143-318.11(a)(3).

The motion was approved by a vote of 6/0 at 2:29 p.m.

Open Session – 4:10 p.m.

Motion by Council Member Catotti seconded by Council Member Schewel to return to open session.

The motion was approved by a vote of 6/0 at 4:10 p.m.

No action was taken by the council in open session.

January 23, 2014

There being no further business to come before the council, the meeting was adjourned at 4:10 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk